



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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October 13, 2010

Donald D. Woodard, M.D.
2200 W. Broad Street
Columbus, OH 43223

RE: Case No. 10-CRF-010

Dear Doctor Woodard:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 13, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3487 5737
RETURN RECEIPT REQUESTED

Mailed 11-4-10

In the matter of Donald D. Woodard, M.D.
Page 2

Cc: Paul M. Aucoin , Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 5744
RETURN RECEIPT REQUESTED

Douglas E. Graff, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 5744
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, Esq., State Medical Board Attorney Hearing Examiner; and excerpt of the Minutes of the State Medical Board, meeting in regular session on October 13, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Donald D. Woodard, M.D., Case No. 10-CRF-010, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

October 13, 2010
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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* CASE NO. 10-CRF-010

DONALD D. WOODARD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 13, 2010.

Upon the Report and Recommendation of Gretchen L. Petrucci, Esq., State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED, that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Donald D. Woodard, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 30 days.
- B. **INTERIM MONITORING:** During the period that Dr. Woodard's certificate to practice medicine and surgery in Ohio is suspended, Dr. Woodard shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. Woodard shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Woodard shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Dr. Woodard shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Absences from Ohio:** Dr. Woodard shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

In the event that Dr. Woodard resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Woodard may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Woodard is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

5. **Required Reporting of Change of Address:** Dr. Woodard shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Woodard's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Woodard shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Woodard shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Evidence of Unrestricted Licensure in Other States:** At the time he submits his application for reinstatement or restoration,

Dr. Woodard shall provide written documentation acceptable to the Board verifying that Dr. Woodard otherwise holds a full and unrestricted license to practice medicine and surgery in every other state in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees.

4. **Personal and/or Professional Ethics Course(s)**: At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Woodard shall submit acceptable documentation of successful completion of a course or courses dealing with personal and/or professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Woodard submits the documentation of successful completion of the course(s) dealing with personal and/or professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Woodard has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

D. **PROBATION**: Upon reinstatement or restoration, Dr. Woodard's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:

1. **Terms, Conditions, and Limitations Continued from Suspension Period**: Dr. Woodard shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
2. **Monitoring Physician**: Prior to Dr. Woodard's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Woodard shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as

Dr. Woodard and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Woodard and his medical practice, and shall review Dr. Woodard's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Woodard and his medical practice, and on the review of Dr. Woodard's patient charts. Dr. Woodard shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Woodard's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Woodard shall immediately so notify the Board in writing. In addition, Dr. Woodard shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Woodard shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Woodard's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Woodard's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

3. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Woodard is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Woodard's certificate will be fully restored.

F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

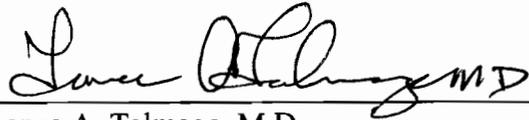
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Woodard shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Woodard shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.

In the event that Dr. Woodard provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Woodard shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Woodard shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.
3. **Required Documentation of the Reporting Required by Paragraph F:** Dr. Woodard shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication

documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall be effective immediately upon the mailing of the notification of approval by the Board.



Lance A. Talmage, M.D.
Secretary

(SEAL)

October 13, 2010

Date

2010 SEP 16 PM 1:10

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

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Case No. 10-CRF-010

Donald D. Woodard, M.D.,

*

Hearing Examiner Petrucci

Respondent.

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REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated January 13, 2010, the State Medical Board of Ohio [Board] notified Donald D. Woodard, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Woodard had been found guilty of one misdemeanor count of Attempted Forgery in violation of Section 2913.31, Ohio Revised Code, and that he had been excluded from the Ohio Medicaid Program. The Board alleged that Dr. Woodard's plea of guilty and the exclusion constitute:

- "The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as set forth in Section 4731.22(B)(8), Ohio Revised Code.
- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as set forth in Section 4731.22(B)(11), Ohio Revised Code.
- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as set forth in Section 4731.22(B)(13), Ohio Revised Code.
- "Termination or suspension from participation in the Medicare or Medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section," as set forth in Section 4731.22(B)(25), Ohio Revised Code. The Board identified the underlying violation as Section 4731.22(B)(8), Ohio Revised Code.

Accordingly, the Board advised Dr. Woodard of his right to request a hearing in this matter. (State's Exhibit [St. Ex.] 1A) On February 3, 2010, Dr. Woodard requested a hearing. (St. Ex. 1B)

Appearances

Richard Cordray, Attorney General, by Katherine J. Bockbrader, Assistant Attorney General, on behalf of the State of Ohio. Paul M. AuCoin and Douglas E. Graff, Esqs., on behalf of Dr. Woodard.

Hearing Date: August 10, 2010

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Donald D. Woodard, M.D., earned his undergraduate degree from the University of Arkansas in 1971, his master's degree from the University of Akron in 1974, and his medical degree from Medical College of Ohio in 1979.¹ He completed a one-year rotating internship in gynecology at the Medical College of Ohio. Then, he completed a two-year residency in family practice at the Ohio State University in 1982. (Respondent's Exhibit [Resp. Ex.] A; Hearing Transcript [Tr.] at 132-136)
2. Between 1982 and 2003, Dr. Woodard mostly practiced at his own private practices in the Columbus area. However, he also held other positions at St. Stephen's Health Center, which is an outpatient medical center in an indigent area of Columbus, and at an emergency medicine staffing company working in several hospitals, including Bucyrus Community Hospital and Crestline Hospital. He also began working at various urgent care centers through a physician staffing company. (Resp. Ex. A; Tr. at 136-138, 157)
3. In 2003, Dr. Woodard sold his medical practice, called Global Health Care [Global], to Community Home Health Services, Inc. [Community], and he became an employee of Community. He remained an employee of Community until 2005. (Tr. at 139-140, 155; Resp. Ex. A)
4. Dr. Woodard has an active license to practice medicine and surgery in Ohio. He is board-certified in family practice. (Resp. Ex. A; Tr. at 136; Ohio E-License Center, State of Ohio, <<https://license.ohio.gov/Lookup/>>, September 2, 2010)

Criminal Conviction in 2009

5. In an Indictment filed May 19, 2009, in the Franklin County Court of Common Pleas, the State of Ohio charged Dr. Woodard with, among other things, one felony count of Forgery in

¹The Medical College of Ohio is now known as the University of Toledo. (Hearing Transcript at 134)

violation of Section 2913.31(A)(2), Ohio Revised Code. *State of Ohio v. Donald D. Woodard*, Case No. 09-CR-05-3022. (St. Ex. 2) In relevant part, the indictment stated:

The Jurors of the Special Grand Jury of the State of Ohio, duly selected, impaneled and sworn, on their oaths, in the name and by the authority of the State of Ohio:

COUNT ONE

Do find and present that over the period of on or about January 1, 2004, to on or about February 25, 2005, DONALD WOODARD, within Franklin County, Ohio, as part of a course of criminal conduct, did with purpose to defraud, or knowing that he was facilitating a fraud, forge a writing so that it purported to be genuine when it was actually spurious, the aforesaid is a violation of Section 2913.31(A)(2) of the Ohio Revised Code, a felony of the fifth degree.²

(St. Ex. 2 at 10)

6. On November 12, 2009, Dr. Woodard pleaded guilty to a stipulated, lesser-included offense of Count One. That lesser-included offense was Attempted Forgery in violation of Section 2913.31, Ohio Revised Code, which is a misdemeanor of the first degree. The Court accepted the guilty plea, and the other charges in *State v. Woodard* were dismissed. As a result, the Court found Dr. Woodard guilty of Attempted Forgery. He was sentenced to pay the costs of prosecution (\$163) and to six months of incarceration, which was suspended contingent on payment of the court costs by January 15, 2010. (St. Ex. 2 at 15-17; Tr. at 29-31, 151-153)
7. Dr. Woodard testified that he timely paid all costs, and he is not under any probationary terms. (Tr. at 167)

Exclusion from Medicaid Program in 2009

8. On December 1, 2009, the Ohio Department of Job and Family Services sent a letter to Dr. Woodard, which he received sometime thereafter. The letter advised Dr. Woodard that Section 5111.03, Ohio Revised Code, specifies that “an individual who has been convicted of either a civil or criminal action related to the Medicaid program, is ineligible to ‘own or provide services to any other Medicaid provider or risk contractor or arrange for, render, or order services for Medicaid recipients ... [or] receive reimbursement in the form of direct payments from the department or indirect payments of Medicaid funds in the form of salary,

²The relevant portion of Section 2913.31 of the Ohio Revised Code, states: “(A) No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall do any of the following: * * * (2) [f]orge any writing so that it purports to be genuine when it actually is spurious, or to be the act of another who did not authorize that act, or to have been executed at a time or place or with terms different from what in fact was the case, or to be a copy of an original when no such original existed.”

shared fees, contracts, kickbacks, or rebates for or through any participating provider or risk contractor.” As a result of his conviction, Dr. Woodard was excluded from participating in the Medicaid program. (St. Ex. 4; Tr. at 38)

Witnesses at the Board Hearing

9. At the hearing, Dr. Woodard testified regarding his conviction and exclusion from the Medicaid program. In addition, Kevin Cooper testified. Mr. Cooper is a Special Agent with the Ohio Attorney General’s Health Care Fraud Section, and he investigates healthcare fraud and patient abuse. He participated in the criminal investigation of Dr. Woodard, and he stated that he is familiar with the criminal charges in *State v. Woodard*. (Tr. at 62-63, 84-85)

Certifications for Home Health Services

10. Dr. Woodard testified that, as an employee of Community, he evaluated patients for home health services, among other things. He stated that he saw 25 to 35 patients per day and not all of the patients received home health services. Dr. Woodard estimated that his home health practice was five percent of his entire practice at that time. (Tr. at 44-45, 50-51, 139-142)
11. Dr. Woodard and Mr. Cooper both similarly described the process with certifications for home health services. First, the physician sees the patient. If the physician initially concludes that the patient would qualify for home health services, a home health agency is contacted and then a nurse visits the patient. If the nurse agrees, the nurse prepares a Home Health Certification and Plan of Care form [Form 485], which is sent to the physician for completion. (Tr. at 164-165, 175-176)
12. Dr. Woodard stated that a Form 485 establishes that a particular individual meets the medical criteria for home health services, and that the individual has been examined by a physician, been seen by a nurse, and a home visit has been conducted. Mr. Cooper testified similarly, stating that a Form 485 is a prescription for a plan of care that could include a number of items including home health services. Form 485 requires information about the individual’s functional limitations, the diagnosis, and the treatment orders. (Tr. at 34-35, 42, 49, 68-69; St. Ex. 3)

Dr. Woodard noted that the Form 485 is a Medicaid form. However, he stated that Form 485 can be used to bill private insurers too. Mr. Cooper disagreed, stating that Form 485 is used only for Medicare and Medicaid patients. (Tr. at 46, 81, 168)

Mr. Cooper’s Testimony Regarding the Events Underlying Dr. Woodard’s Conviction

13. As noted above, the Attempted Forgery offense to which Dr. Woodard pleaded guilty is a lesser-included offense of the Forgery offense charged in Count One of the indictment.

14. Mr. Cooper testified that, because he was involved in the investigation and indictment of Dr. Woodard, he is aware that Count One of the indictment involved Dr. Woodard's certification of home health services for one individual. Mr. Cooper stated that the particular certification is the one admitted into the hearing record as State's Exhibit 3 [SE3]. Mr. Cooper acknowledged that Count One of the indictment does not identify the document forged or the patient involved. Also, he acknowledged that the Grand Jury was presented with more than one count, and he is not aware if the Grand Jury assigned different numbers to the various counts. However, he stated that his Grand Jury testimony regarding Count One was specifically related to the individual on SE3. Moreover, Mr. Cooper stated that he has testified before a grand jury on "hundreds" of occasions, and he has never known a Grand Jury to change the order of the counts of an indictment. (Tr. at 71-72, 88-89, 93, 114-116, 121)
15. Mr. Cooper explained that, at the time Dr. Woodard signed SE3, he was an employee of Global, which was owned by Community. Mr. Cooper also stated that, through SE3, Dr. Woodard had ordered certain home health services for the individual listed on that form, and specifically directed that Community provide those home health services. Mr. Cooper stated that the individual identified on SE3 was a Medicaid patient, and Medicaid was billed for home health services based on SE3. Mr. Cooper further explained that the investigation divulged that Dr. Woodard's provider number was used for billing the home health services, and that Global received payment.³ (Tr. 84, 106-107, 109, 120-121)
16. In addition, Mr. Cooper testified that, during the investigation, he requested that Dr. Woodard provide the patient record for the individual listed on SE3, and Dr. Woodard did not produce a patient record. Also, there was a search warrant executed on Community, and none of the documents seized were patient files.⁴ Moreover, Mr. Cooper testified that he interviewed the individual listed on SE3, and she did not recognize Dr. Woodard and did not identify him as her physician. (Tr. at 74-75, 97)
17. Mr. Cooper stated that, during the investigation, Dr. Woodard admitted that "he did not see all the patients that he had signed 485s for." (Tr. at 178)

Dr. Woodard's Testimony Regarding the Events Underlying His Conviction

18. At the hearing, Dr. Woodard acknowledged that his conviction of Attempted Forgery related to his completion of a Form 485 while he was employed by Community. (Tr. at 30, 33-34)

³Differing testimony was presented relative to whether Global or Community was paid for home health services that were billed. Dr. Woodard testified that Global ceased to exist when purchased by Community, and that therefore Community was the payee for the home health services billed. Mr. Cooper testified that Global continued to exist and it was the "payee" for the home health services billed. (Tr. at 94, 104, 106-107, 146-147, 169)

⁴Mr. Cooper explained that the documents seized from Community were not complete patient records. He stated that, instead, "they had in them documents of doctors, but they were 485s, giving them permission to take care of these people. Other than that, there was no medical records that would – that said these are – these are Dr. Woodard's records or they are Dr. So-and-so's records." (Tr. at 111-112)

19. Dr. Woodard also acknowledged that he had signed SE3, and had done so as the attending physician. As a result, he had certified that the particular individual qualified for home health services at that time. (Tr. at 35-37, 160-162, 164-165; St. Ex. 3)

However, Dr. Woodard provided varying testimony regarding whether Count One of the indictment related to SE3. First, he stated that he was not sure that Count One of the indictment involved the individual listed on SE3. Second, Dr. Woodard testified that Count One of the indictment definitively did not involve the individual on SE3. Third, he testified that, from the receipt of the indictment to the time of his plea, no one told him exactly what patients were involved. Fourth, he testified that, prior to his plea, he had the opportunity to review the medical records involved in the allegations of the indictment. (Tr. at 34, 42, 150-151, 158-159)

20. Dr. Woodard also provided differing testimony about the billing of home health services that he had certified. First, Dr. Woodard testified that he did not know that, as a result of certifying that an individual qualified for home health services, his employer would thereafter bill Medicaid for the home health services provided to the individual. Dr. Woodard stated that he did not know whether anyone would be billed for the home health services. He explained that, as an employee of Community, he simply carried out his function, which was to see the patient and evaluate whether the patient qualified for home health services. He personally did no billing. Second, he testified that he thinks Community handled the billing for the home health services because Community handled the billing of his services. Third, he testified that Community billed for “everything from sore throats to home healthcare,” and that “everything that came out of [his] practice was billed to third-party payers,” including Medicaid. He acknowledged that he was compensated by Community for his actions. (Tr. at 42-45, 48, 52-53, 146-148)

Dr. Woodard’s Testimony Regarding the Medicaid Exclusion

21. Dr. Woodard acknowledged that he had received the 2009 exclusion letter from the Ohio Department of Job and Family Services. (Tr. at 38) He added:

* * * But I haven’t been a provider for – my thought, I hadn’t been a provider for Medicaid for five years. I haven’t personally filled a form for Medicaid for – in six years, since this incident occurred.

So I don’t understand why they sent me a letter for exclusion, but I guess it’s just an automatic situation. Because I happen to be on Medicaid – In fact, I didn’t even know I was a provider until they sent me this letter. I thought I was a non-provider.

If you look at the Medic- -- If you look in the Department of – Ohio Department of Family and Service and Medicaid, you’ll see that I haven’t billed nothing for six years. * * *

(Tr. at 38)

22. Dr. Woodard clarified that, in 2005, he began working for the Ohio corrections system.⁵ As a result, he had not billed Medicaid for medical services for quite some time prior to receiving the 2009 exclusion letter. Additionally, Dr. Woodard noted that his recent work with two other entities in central Ohio also does not involve patients with Medicaid. (Tr. at 54-55, 145, 166-167)

FINDINGS OF FACT

1. On November 12, 2009, in the Court of Common Pleas, Criminal Division, Franklin County, Ohio, Donald D. Woodard, M.D., pleaded guilty to, and was found guilty of, Attempted Forgery, in violation of Section 2913.31, Ohio Revised Code, a misdemeanor of the first degree. Further, Dr. Woodard was sentenced to six months incarceration, with all six months suspended for payment of court costs by January 15, 2010.
2. By letter dated December 1, 2009, Dr. Woodard was notified by the Ohio Department of Job and Family Services that, since he was found guilty of Attempted Forgery and that the conviction resulted from his actions as a Medicaid provider, he was thereby excluded from the Ohio Medicaid program.

CONCLUSIONS OF LAW

1. Dr. Woodard's plea of guilty and conviction as set forth in Finding of Fact 1 constitute: "[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as set forth in Section 4731.22(B)(8), Ohio Revised Code.

Dr. Woodard acknowledged that his conviction of Attempted Forgery related to his completion of a Form 485 while he was employed by Community. The evidence is convincing that Dr. Woodard attempted, in the course of practice and through fraudulent misrepresentation, to obtain something of value, namely, payment for home health services to his employer.

2. Dr. Woodard's plea of guilty and conviction as set forth in Finding of Fact 1 constitute: "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as set forth in Section 4731.22(B)(11), Ohio Revised Code.

The conclusive evidence establishes that Dr. Woodard was convicted of Attempted Forgery and the underlying act was committed in the course of his practice of medicine.

⁵In particular, those employers are Columbus Community Base Correction Facility and Twin Valley Behavioral Health. (Resp. Ex. A)

3. Dr. Woodard's plea of guilty and conviction as set forth in Finding of Fact 1 constitute: "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as set forth in Section 4731.22(B)(13), Ohio Revised Code.

In Ohio, forgery offenses have been found by the Ohio Supreme Court to constitute conduct involving moral turpitude.⁶

4. As set forth in Finding of Fact 2 and Conclusion of Law 1, the exclusion constitutes "[t]ermination or suspension from participation in the Medicare or Medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section," as set forth in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

Rationale for the Proposed Order

While there was differing testimony about the details underlying Dr. Woodard's conviction in this matter, the undeniable fact is that Dr. Woodard was convicted of Attempted Forgery, which occurred in the course of practicing medicine. By virtue of pleading guilty, Dr. Woodard admitted that he had attempted, with purpose to defraud or knowing that he was facilitating a fraud, to "forge any writing so that it purports to be genuine when it actually was spurious, or to be the act of another who did not authorize that act, or to have been executed at a time or place or with terms different from what in fact was the case, or to be a copy of an original when no such original existed." Also, Dr. Woodard was excluded from Ohio's Medicaid program. The Board has authority to take disciplinary action and should do so.

There are aggravating circumstances in this matter. At the hearing, Dr. Woodard was not forthcoming about the circumstances that led to his misdemeanor conviction. He certainly acknowledged the conviction, but he did not readily acknowledge his wrongdoing. Moreover, he presented testimony that varied widely on important facts. Also, he did not express much remorse for his actions.

There are mitigating factors for consideration as well. Dr. Woodard has no prior disciplinary history. In 2005, Dr. Woodard changed his employment and is no longer involved with certifications for home health services. Moreover, the underlying events took place more than five years ago. Finally, when the criminal court considered Dr. Woodard's criminal actions, its sentence was lenient – payment of a small amount of costs and no probationary requirements.

These aggravating and mitigating circumstances were considered. Although the criminal court was lenient, Dr. Woodard's admitted attempted forgery in the course of practice is more serious than the

⁶See, e.g., *Cincinnati Bar Ass'n v. Farrell* (2008), 119 Ohio St. 3d 529; *Cincinnati Bar Ass'n v. Zins* (2007), 116 Ohio St. 3d 1; and *Disciplinary Counsel v. Stemper* (2004), 103 Ohio St. 3d 104.

criminal sentence would suggest. As such, a suspension of Dr. Woodard's certificate is recommended for a period of at least six months, followed by a probationary period of at least one year. An ethics course and practice monitoring are also recommended.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Donald D. Woodard, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **INTERIM MONITORING:** During the period that Dr. Woodard's certificate to practice medicine and surgery in Ohio is suspended, Dr. Woodard shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. Woodard shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Woodard shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Woodard shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Absences from Ohio:** Dr. Woodard shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member

of the Board shall have discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

In the event that Dr. Woodard resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Woodard may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Woodard is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

5. **Required Reporting of Change of Address:** Dr. Woodard shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Woodard's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Woodard shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Woodard shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Evidence of Unrestricted Licensure in Other States:** At the time he submits his application for reinstatement or restoration, Dr. Woodard shall provide written documentation acceptable to the Board verifying that Dr. Woodard otherwise holds a full and unrestricted license to practice medicine and surgery in every other state in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees.
4. **Personal and/or Professional Ethics Course(s):** At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Woodard shall submit acceptable documentation of successful completion of a course or courses dealing with personal and/or professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Woodard submits the documentation of successful completion of the course(s) dealing with personal and/or professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Woodard has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

D. **PROBATION:** Upon reinstatement or restoration, Dr. Woodard's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Woodard shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
2. **Monitoring Physician:** Prior to Dr. Woodard's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Woodard shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Woodard and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Woodard and his medical practice, and shall review Dr. Woodard's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Woodard and his medical practice, and on the review of Dr. Woodard's patient charts. Dr. Woodard shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Woodard's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Woodard shall immediately so notify the Board in writing. In addition, Dr. Woodard shall make arrangements acceptable to the Board for another monitoring physician within 30 days after

the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Woodard shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Woodard's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Woodard's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

3. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Woodard is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Woodard's certificate will be fully restored.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Woodard shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Woodard shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.

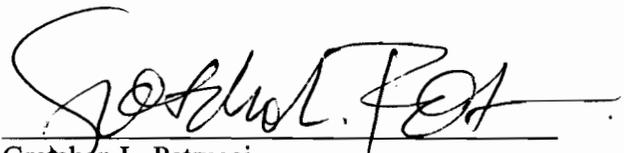
In the event that Dr. Woodard provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This

requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Woodard shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Woodard shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Woodard receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph F:** Dr. Woodard shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall be effective immediately upon the mailing of the notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 13, 2010

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Suppan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order, appearing on its agenda.

Dr. Suppan asked whether each member of the Board had received, read and considered the hearing records; Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Peter William S. Grigg, M.D.; Michael M. McClellan, M.D.; Justin Fredric Weiss, M.D.; Donald D. Woodard, M.D.; Taira Lynn Woodroffe, M.D.; and David K. Zipfel, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Suppan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Suppan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member. However, Dr. Talmage and Mr. Albert may vote on the matter of Taira Lynn Woodroffe, M.D., as that case is not disciplinary in nature and only

involves the respondent's qualifications for licensure.

Dr. Suppan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
DONALD D. WOODARD, M.D.

Dr. Suppan directed the Board's attention to the matter of Donald D. Woodard, M.D. She advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to the Board members.

Dr. Suppan continued that a request to address the Board has been timely filed on behalf of Dr. Woodard. Five minutes would be allowed for that address.

Dr. Woodard was accompanied by his attorney, Douglas Graff.

Mr. Graff stated that his client has filed objections to Ms. Petrucci's Report and Recommendation for two reasons: To clarify the records, and for purposes of a possible appeal.

Mr. Graff stated that several years prior to the events in question, Dr. Woodard had sold his practice to Community Home Health Services and became employed by them. When Community Home Health Services came under scrutiny for its billing practices, Dr. Woodard and his billing were reviewed.

Mr. Graff stated that fifty-two of Dr. Woodard's cases were initially reviewed, and in forty-six of those cases, the record was located and the patient was identified and found to have been appropriately billed. Of the six remaining cases, five were resolved by having Dr. Woodard identified by the patient or caregiver. In the remaining case, the record was found, but a different date of birth was listed for the patient. Mr. Graff stated that he would challenge any physician to match up every record for every patient the physician had ever seen. Mr. Graff stated that Dr. Woodard was, in fact, able to do this, except in one case.

Mr. Graff continued that Dr. Woodard pled guilty to attempted forgery of a record. Dr. Woodard was sentenced to 180 days of incarceration, but that sentence was suspended on the condition that Dr. Woodard pay the court costs of \$163.00 in a timely manner, which Dr. Woodard did. Mr. Graff stated that \$163.00 was Dr. Woodard's entire sentence; there was no restitution, no reimbursement, no probation, and no other sanction.

Mr. Graff noted that the Board's hearing examiner had commented that Dr. Woodard was somewhat unclear in his testimony as to what he had pled to. Mr. Graff stated that part of the problem is that it is not

clearly understood what Dr. Woodard pled guilty to and it is impossible to know from the record. Mr. Graff stated that one count was pulled and none of the patients were identified.

Mr. Graff opined that Dr. Woodard should not be suspended for 180 days, as the Proposed Order suggests.

Dr. Woodard stated that he had never been in trouble with the law before and did not know what to say. Dr. Woodard apologized for the actions he had taken in the action filed against him. Dr. Woodard asked the Board to consider allowing him to continue his medical practice. Dr. Woodard stated that he has a strong passion for practicing medicine and he has practiced medicine all of his life. Dr. Woodard stated that his mother taught him to never break the law, which he did not do until the age of 61.

Dr. Suppan asked if the Assistant Attorney General would like to respond. Ms. Bockbrader stated that she would like to respond.

Ms. Bockbrader stated that the evidence is undisputed that Dr. Woodard pled guilty to a count of attempted forgery and that he has been excluded from Medicaid. The Board is authorized to impose discipline based on Dr. Woodard's conviction of a misdemeanor in the course of his practice of medicine. Ms. Bockbrader stated that Dr. Woodard's conviction was also one of moral turpitude because "forgery with purpose to defraud" includes an intent to deceive.

Ms. Bockbrader flagged the information in Dr. Woodard's written objections, and referenced earlier by Mr. Graff, regarding the number of patient records found and the discrepancies in the date of birth. Ms. Bockbrader stated that that information is not in the record and asked the Board to disregard information that is not in the transcript of the hearing. Ms. Bockbrader also noted that the contention that the patient's caregiver was able to identify Dr. Woodard is also not in the hearing record.

Ms. Bockbrader continued that the evidence in this case is that the patient for whom Dr. Woodard signed a Form 485 was not able to identify Dr. Woodard and did not remember ever seeing him before. Ms. Bockbrader noted that Dr. Woodard admitted to Kevin Cooper, Special Agent with the Ohio Attorney General's Health Care Fraud Section, that he would sign Form 485s without ever having seen the patients.

Mr. Cooper also testified that he had testified at the Grand Jury that he knew what Count 1 was. Mr. Cooper testified that this document was what was charged in Count 1 as a forgery. Ms. Bockbrader stated that there is no evidence that the Grand Jury changed the number of the charges around. Mr. Cooper stated that he has testified in hundreds of grand juries and that changing the number around has never happened in his experience. Therefore, the document in question is the document that was charged in Count 1 by the Grand Jury that was pled as amended to an attempted charge.

Ms. Bockbrader opined that a suspension of Dr. Woodard's medical license is appropriate, for whatever length of time the Board finds appropriate.

Dr. Strafford moved to approve and confirm Ms. Petrucci's Findings of Fact, Conclusions of Law,

and Proposed Order in the matter of Donald D. Woodard, M.D. Dr. Mahajan seconded the motion.

Dr. Suppan stated that she would now entertain discussion in the above matter.

Dr. Ramprasad stated that Dr. Woodard was indicted on May 19, 2009, by a grand jury and pled guilty to the charge of attempted forgery. Dr. Ramprasad stated that the undeniable fact of this case is that Dr. Woodard pled guilty to attempted forgery and was given a sentence, even if the six months of incarceration was suspended, and he only paid court costs. Dr. Ramprasad opined that the Proposed Order was appropriate, including the 180-day suspension of Dr. Woodard's medical license.

Dr. Ramprasad asked for the opinions of other Board members regarding the length of Dr. Woodard's suspension.

Dr. Strafford felt that Dr. Woodard was probably culpable in making a plea of convenience in order to move the process forward. Dr. Strafford suspected that this situation did not result from an intentional defrauding of the Medicare system. Dr. Strafford stated that he would support a suspension time of less than 180 days.

Dr. Strafford moved to amend the suspension period of the Proposed Order from not less than 180 days to 30 days. Dr. Mahajan seconded the motion.

Dr. Suppan stated that she would now entertain discussion of the proposed amendment.

Dr. Stephens likened this case to cases in which a physician faces the federal government as a David and Goliath situation. Dr. Stephens understood why Dr. Woodard would agree to pay \$163.00 to have this issue just go away. Dr. Stephens opined that physicians do not understand that these situations do not just go away. Dr. Stephens did not feel that Dr. Woodard committed a crime of moral turpitude and stated she would support a reprimand with no suspension.

A vote was taken on Dr. Strafford's motion to amend:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- nay
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion to amend carried.

A vote was taken on Dr. Strafford's amended motion:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- nay
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

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med.ohio.gov

January 13, 2010

Case number: 10-CRF-**D10**

Donald D. Woodard, M.D.
6050 Windbrook Drive
Blacklick, Ohio 43004

Dear Doctor Woodard:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about November 12, 2009, in the Court of Common Pleas, Criminal Division, Franklin County, Ohio, you pled guilty to, and were found guilty of, Attempted Forgery, in violation of Section 2913.31, Ohio Revised Code, a misdemeanor of the first degree. Further, you were sentenced to six months incarceration, with all six months suspended for payment of court costs by January 15, 2010.
- (2) By letter dated December 1, 2009, you were notified by the Ohio Department of Job and Family Services, that since you were found guilty of Attempted Forgery, and that conviction resulted from your actions as a Medicaid provider, you were thereby excluded from the Ohio Medicaid program.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice,” as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, the facts as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, the facts as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

To protect and enhance the health and safety of the public through effective medical regulation



Mailed 01-14-10

Donald D. Woodard, M.D.

Page 2

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute “[t]ermination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section,” as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

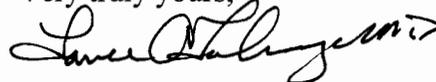
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 4843

RETURN RECEIPT REQUESTED